

Memorandum

TO : All Employees

DATE: January 3, 2000

FROM : Chairman

SUBJECT: **ALTERNATIVE DISPUTE RESOLUTION PROGRAM**

Recently, the Equal Employment Opportunity Commission (EEOC) issued revised Managing Directive 110, which reflects changes to EEOC regulations, 29 C.F.R. 1614, requiring that each agency establish or make available an Alternative Dispute Resolution (ADR) program for informal and formal Equal Employment Opportunity (EEO) complaints, effective January 1, 2000.

Accordingly, mediation will be available to any employee who elects to use ADR to resolve an EEO dispute that the FMC has determined is appropriate for ADR. Electing to use mediation to resolve your EEO dispute will not limit or replace any rights that you have to utilize the EEO process. Our ADR program will utilize mediators from the U.S. Federal Mediation and Conciliation Service in select cases of alleged employment discrimination.

WHAT IS ALTERNATIVE DISPUTE RESOLUTION?

ADR describes a wide variety of techniques used to resolve disputes in place of formal legal procedures. Mediation is the specific ADR technique that will be utilized at the FMC. Mediation is a voluntary process in which an impartial party, the mediator, assists the complainant and management officials to explore ways to resolve their differences. Emphasis is placed on increasing communication between parties, finding areas of agreement or common ground, and reaching mutually-acceptable resolutions.

MEDIATION IS AN OPPORTUNITY FOR EMPLOYEES AND MANAGEMENT TO JOINTLY RESOLVE THEIR EEO DISPUTES

While participating in mediation procedures is mandatory for management, participation in mediation on the part of the complaining party is voluntary. If an employee agrees to mediation to resolve his/her complaint, whether in informal EEO

counseling or after a formal complaint is filed, the EEO complaints process is held in abeyance, and the employee does not lose the right to proceed with that complaint if mediation is unsuccessful.

THE EEO COMPLAINT PROCESS

To make the EEO complaint process work appropriately and effectively for you, you need to know what it can and cannot do. The EEO complaint process can correct management actions that are proven to be unlawful under EEO laws. It cannot substitute for trying to resolve normal work day issues with your supervisor, other managers, and coworkers. It is your responsibility to decide whether the EEO process is the right place to address your charges and whether you believe the evidence will support your charges. The DEEOO and EEO Counselors can give you information about EEO laws and procedures, but cannot act as your representatives or advocates.

Commission Order 52 on Equal Employment Opportunity is being revised to incorporate FMC's ADR program. If you have any questions regarding our ADR program or the EEO complaint process, please call Alice Blackmon at 523-5806.

(signed)

Harold J. Creel, Jr.

Distribution: E-Mail